

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | |
|---------------------------------------|---------------------------|
| DELAWARE MARKETING |) |
| PARTNERS, LLC, a Delaware |) |
| limited liability company, |) |
| Plaintiff |) C.A. No.: 04 - CV - 263 |
| |) |
| v. |) |
| |) |
| CREDITRON FINANCIAL SERVICES, |) |
| INC., a Pennsylvania corporation, and |) |
| TELATRON MARKETING GROUP, |) |
| INC., a Pennsylvania corporation, |) |
| Defendants |) |

DEFENDANTS' RESPONSE IN OPPOSITION TO
MOTION TO STRIKE BRIEF

AND NOW, the Defendants, by and through their attorneys, ELDERKIN, MARTIN, KELLY & MESSINA, file the following Response In Opposition To Motion To Strike Brief, respectfully representing as follows:

1. Defendants' counsel misread the text order of October 11, 2006 and, as a result, counsel incorrectly believed that the date for the filing of a response to Plaintiff's motion to dismiss was November 7, 2006. As such the Defendants' brief was filed on November 6, 2006.

2. Defendants respectfully request that the court forgive this error of counsel and grant Defendants leave of court to file their brief out of time. Plaintiff will suffer no prejudice by the granting of this request.

Wherefore, the Defendants respectfully request that this Honorable Court deny Plaintiff's motion to strike brief and that the Court accept the filing of the Defendants' brief.

Respectfully submitted,

ELDERKIN, MARTIN, KELLY & MESSINA

By /s/ Craig A. Markham, Esq.

Craig A. Markham, Esquire
Attorney for Defendants
150 East Eighth Street
Erie, Pennsylvania 16501
(814) 456-4000

CERTIFICATE OF SERVICE

I certify that on the _____ day of September, 2004, I served a copy of the foregoing Appearance on the following individuals and in the manner stated below:

U.S. First Class Mail, Postage Prepaid:

Charles Snyderman, Esquire
Stoney Batter Office Building
5301 Limestone Road, Suite 214
Wilmington, DE 19808

Respectfully submitted,

ELDERKIN, MARTIN, KELLY & MESSINA

By _____

Craig A. Markham, Esquire
Attorney for Defendants
150 East Eighth Street
Erie, Pennsylvania 16501
(814) 456-4000